



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/644,389	08/23/2000	Edward F. Kachnic	2000-1220-RA	1510

7590

01/23/2003

Joel D Myers Esq
Myers & Associates
Intellectual Property Law PC
1827 Powers Ferry Road, Building 3, Suite 200
Atlanta, GA 30339

EXAMINER

CABRERA, ZOILA E

ART UNIT

PAPER NUMBER

2125

DATE MAILED: 01/23/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/644,389

Applicant(s)

KACHNIC ET AL.

Examiner

Zoila E. Cabrera

Art Unit

2125

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 September 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 17-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 17-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Final Rejection

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-16 and 22-33 have been cancelled.

The rejection with respect to claims 17-20 and 21 is maintained.

Claim Rejections - 35 USC § 103

2. Claims 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Choi (US 6,275,741)** in view of **Maus et al. (US 6,024,902)**.

Choi discloses an integrated controller comprising a machine controller, sensory electronics, and a user interface (Fig. 4, elements 44, 248, 426, 430) for use with a part forming machine (Col. 2, lines 49-54), comprising:

With respect to claims 17-20,

- a computer having a data interface (Fig. 1, element 24 and 44);
sensory electronics in communication with said data interface of said computer,
said sensory electronics outputting sensory data to said computer via said data interface (Fig. 4, elements 406, 24, 44);
a program for analyzing data from the sensory electronics and controlling the part forming machine and said sensory electronics in response to said sensory data (Col. 3, lines 1-5); and

means for displaying information, said display means being in communication with said computer (Fig. 1, elements 38 and 44; Col. 4, lines 60-67), wherein said sensory electronics functionally communicates with said data interface of said computer (Fig. 1, elements 12, 14 20, 22 and 44; Fig. 4, elements 406, 44, 24) and wherein the injection-molding machine is functionally communicatable with said data interface of said computer (Fig. 1, injection molding machine 10 and a general purpose computer 44).

However, **Choi** fails to specifically disclose some limitations of claims 17-20 such as the type of sensors used in conjunction with the injection molding system. However, **Maus** discloses such limitations as follows:

- said sensory electronics is at least one vision sensor (Col. 23, lines 37-45);
- said sensory electronics is at least one infrared sensor (Col. 21, line 18; Col. 20, line 65);
- said sensory electronics is at least one air pressure sensor (Col. 13, lines 4-5);
- said sensory electronics is at least one vacuum sensor (Col. 9, lines 9-29, i.e. it is inherent that there is a vacuum sensor in a vacuum-deposition chamber).

Therefore, it would have been obvious to a person of the ordinary skill in the art at the time the invention was made to combine the teachings of **Choi** and include off the shelf sensors as taught by **Maus** because it would provide with a full automated method and apparatus with improved quality products, (**Maus**, Col. 1, lines 18-20 and lines 27-31).

3. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Choi (US 6,275,741)** in view of **Joseph (US 5,891,383)**.

Choi discloses an integrated controller comprising a machine controller, sensory electronics, and a user interface (Fig. 4, elements 44, 248, 426, 430) for use with a part forming machine (Col. 2, lines 49-54), comprising:

With respect to claims 21,

- a computer having a data interface (Fig. 1, element 24 and 44);
sensory electronics in communication with said data interface of said computer, said sensory electronics outputting sensory data to said computer via said data interface (Fig. 4, elements 406, 24, 44);
a program for analyzing data from the sensory electronics and controlling the part forming machine and said sensory electronics in response to said sensory data (Col. 3, lines 1-5); and
means for displaying information, said display means being in communication with said computer (Fig. 1, elements 38 and 44; Col. 4, lines 60-67),
wherein said sensory electronics functionally communicates with said data interface of said computer (Fig. 1, elements 12, 14 20, 22 and 44; Fig. 4, elements 406, 44, 24) and wherein the injection-molding machine is functionally communicatable with said data interface of said computer (Fig. 1, injection molding machine 10 and a general purpose computer 44).

However, **Choi** fails to specifically disclose some limitations of claim 21 such as said sensory device is at least one ultrasonic sensor. However, **Joseph** discloses the use of

Art Unit: 2125

an ultrasonic sensor in an injection molding process (Col. 2, lines 53-56; Col. 6, lines 9-10). Therefore, it would have been obvious to a person of the ordinary skill in the art at the time the invention was made to modify the teachings of **Choi** to include an ultrasonic sensor as taught by **Joseph** because it would allow to have an improved control system by using a detection device which utilizes high frequency waves which are deflected off objects (**Joseph**, Col. 6, lines 9-17).

Response to Arguments

4. Applicant's arguments filed September 19, 2002 have been fully considered but they are not persuasive. Applicant contends that the vision sensor, infrared sensor, air pressure sensor and vacuum sensor disclosed by Maus have different purposes of use, i.e., the infrared sensor is not a means for analyzing the temperature of the finished product. Applicant further contends that the ultrasonic sensor disclosed by Joseph is not a means for analyzing the size of an interim product. However, Examiner points out that all these sensors are off the shelf sensors that are used in an injection molding process as disclosed by Maus and Joseph. Therefore, it would have been obvious to a person of ordinary skill in the art to use such sensors in the injection molding system of **Choi** to provide an injection molding control architecture that enables state-of-the-art hardware and software components to be seamlessly integrated into one controller (**Choi**, Col. 2, lines 14-16).

Conclusion

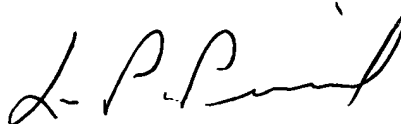
5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning communication or earlier communication from the examiner should be directed to Zoila Cabrera, whose telephone number is (703) 306-4768. The examiner can normally be reached on M-F from 8:00 a.m. to 5:30 p.m. EST (every other Friday).

If attempts to reach the examiner by phone fail, the examiner's supervisor, Leo Picard, can be reached on (703) 308-0538. Additionally, the fax phones for Art Unit 2125 are (703) 308-6306 or 308-6296. Any inquiry of a general nature or relating to the status of this application should be directed to the group receptionist at (703) 305-9600.

Zoila Cabrera
Patent Examiner
1/21/03



LEO PICARD
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100